REMARKS

In the Final Office Action,[1] the Examiner rejected claims 1, 2, 4-9, 11-15, 17-19, 21, and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0015042 to *Robotham*.

By this response, Applicants have amended claims 1, 9, 12, 14, and 18, and canceled claim 8 without prejudice or disclaimer. Claims 1, 2, 4-7, 9, 11-15, 17-19, 21, and 22 are pending.

Applicants respectfully traverse the rejection of claims 1, 2, 4-9, 11-15, 17-19, 21, and 22 under 35 U.S.C. § 102(b) as being anticipated by *Robotham*. In order to properly establish that *Robotham* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. *See* M.P.E.P. § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a combination of elements including, for example, instructions to "determine an estimated likelihood for the possible user interaction events to occur

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

based on a <u>history of previous user inputs to the user interface</u>" (emphasis added).
Robotham does not teach or even suggest at least this feature of claim 1.

    Robotham discloses displaying visual content on a client device by rendering the content on a server, transforming the visual content into bitmaps compatible with the client device, and transmitting the bitmaps to the client device (*Robotham*, abstract). *Robotham* also discloses that the client device processes (1) location events defining the location of a pointing device on a surface displayed on the client device, and (2) selection events that define a selection action associated with a surface displayed on the client device (*Robotham*, ¶ 266). In some embodiments, the location events are kept local to the client (*Robotham*, ¶ 283).

    Robotham discloses several different approaches for handling local events by caching representations of the displayed surface on the client (*Robotham*, ¶¶ 284-285). In the first approach, the client device maintains a complete representation of the <u>current</u> display surface (*Robotham*, ¶ 284). In a third approach, the client caches representations of previously displayed surfaces, so the client can display one of the previous representations while waiting for the server to refresh the displayed surface (*Robotham*, ¶ 284). *Robotham* states that, when using the third approach, the likelihood of "stale" cached display surfaces at the client is increased, because the cached previously displayed surfaces may not correspond to an updated display surface on the server (*Robotham*, ¶ 285).

    In addressing canceled dependent claim 8, the Final Office Action relies *Robotham's* "third approach" in addressing recitations such as "estimat[ing] the

likelihood of one or more possible user interaction events" (See Final Office Action at page 8, citing *Robotham*, ¶ 285). This is incorrect. *Robotham* does not disclose estimating likelihoods of <u>user interaction events</u>. Rather, the cited portions of *Robotham* merely note that using the "third approach" for handling local events at the client will result in a higher likelihood of <u>stale data</u> at the client. Further, *Robotham's* "likelihood" is not determined based on a history of previous user inputs to a user interface, but rather simply reflects that the data at the client is more likely to be stale. For these reasons, *Robotham* does not teach or suggest "determin[ing] an estimated likelihood for the possible user interaction events to occur based on a <u>history of previous user inputs to the user interface</u>," as recited by independent claim 1 (emphasis added).

Because *Robotham* does not disclose each and every element recited by claim 1, *Robotham* cannot anticipate this claim, and claim 1 is allowable over the art of record. Claims 2, 4-7, 9, 11-13 and 22 are also allowable at least due to their dependence from claim 1.

Independent claims 14 and 18, though of different scope from claim 1, recite elements similar to those set forth above for claim 1. Claims 14 and 18 are therefore allowable for at least the reasons presented above with respect to claim 1. Claims 15, 17, 19, and 21 are also allowable at least due to their dependence from claims 14 and 18. Claim 8 has been canceled, rendering the rejection moot with respect to claim 8.

For at least the above reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4-7, 9, 11-15, 17-19, 21, and 22 under 35 U.S.C. § 102(b).

Dependent claim 12 is further distinguishable from *Robotham*. Claim 12 recites "wherein each of the selected possible user interaction events has an estimated <u>likelihoods of occurrence exceeding a threshold</u>, and the possible user interaction events other than the selected possible user interaction events have estimated likelihoods that do not exceed the threshold" (emphasis added). *Robotham* discloses a "cache validation scheme" where the client requests refreshed data from the server whenever the age of the data at the client exceeds a certain threshold (*Robotham*, ¶ 300). The Final Office Action relies on these disclosures in *Robotham* in addressing the claimed "threshold" (See Final Office Action at page 9, citing *Robotham*, ¶ 300).

This reliance is incorrect. *Robotham's* threshold simply constitutes an amount of time that expires before the client requests refreshed data from the server (*Robotham*, ¶ 300). *Robotham's* threshold is not applied to "estimated likelihoods of occurrence," nor is *Robotham's* threshold applied to "user interaction events." Therefore, *Robotham* does not teach or even suggest "wherein each of the selected possible user interaction events has an estimated <u>likelihoods of occurrence exceeding a threshold</u>, and the possible user interaction events other than the selected possible user interaction events have estimated likelihoods that do not exceed the threshold," as recited by dependent claim 12 (emphasis added)

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.
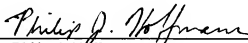
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 10, 2009   By: _Philip J. Hoffmann_____

Philip J. Hoffmann
Reg. No. 46,340